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EXAMINER

SALTARELLI, DOMINIC D

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2611

DATE MAILED: 06/15/2004

24

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/335,372

Applicant(s)

FREEMAN ET AL.

Examiner

Dominic D Saltarelli

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 6, 7, 11-13, 14, 15, 16-18, 21, 22, 23, 27, 28, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Azadegan et al. (5,612,900, of record) [Azadegan] and Egawa et al. (5,534,944, of record).

Regarding claim 1, Azadegan discloses a method of providing a user digital programming at a receiver station (col. 12, lines 44-49 and col. 54, lines 2-8), comprising the steps of:

Storing (col. 12, lines 35-40) a plurality of digitally compressed (MPEG, col. 54, lines 45-61) video signals (col. 54, lines 14-44, col. 57, lines 7-9, 24-30 and col. 57 line 43 – col. 58 line 4) on a digital versatile disk [also known as digital video disc or DVD] (col. 54, lines 40-44), each signal corresponding to a different video option of a program (col. 57, lines 7-9, 24-30 47-52), wherein the plurality of video signals comprise a standard video signal (col. 57, lines 24-30);

Receiving the plurality of digitally compressed video signals (col. 12, lines 44-49 and col. 54, lines 2-8);

Selecting one of the video options (col. 57, lines 24-30);

Digitally decompressing the selected video signal corresponding to the selected video option (where decoding an MPEG data stream is to decompress it, col. 12, lines 44-49 and col. 54, lines 2-8); and

Displaying the selected video signal corresponding to the selected video option (col. 12, lines 44-49 and col. 54, lines 2-8).

Azadegan fails to disclose the visual transition to the selected video is seamless.

Egawa teaches seamlessly (col. 3, lines 51-53) switching between video streams (col. 3, lines 47-57 and col. 4, lines 6-19) for the advantage of ensuring no video data is lost upon reproduction when switching between video signals (col. 1, lines 9-15).

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Azadegan to include visual transition to the selected video is seamless, as taught by Egawa, for the advantage of ensuring no video data is lost upon reproduction when switching between video signals.

Regarding claim 16, Azadegan discloses a system of providing to a user digital programming at a receiver station (col. 12, lines 44-49 and col. 54, lines 2-8), comprising:

A digital versatile disk (col. 54, lines 40-44), wherein the digital versatile disk stores a plurality of digitally compressed video signals (col. 54, lines 14-44, col. 57, lines 7-9, 24-30 and col. 57 line 43 – col. 58 line 4);

A means, operably connected to the digital versatile disk, for receiving a plurality of digital compressed video signals (col. 54, lines 40-54), each signal corresponding to different video option of a program (col. 57, lines 7-9, 24-30 and col. 57 line 43 – col. 58 line 4), wherein the plurality of video signals comprise a standard video signal (col. 57, lines 24-30);

A processor, connected to the receiving means (an inherent feature, since all DVD players include a processor which controls the processes of the device and the flow of data being read from the disk, both for automatic functions and those initiated by users), wherein the processor selects one of the video options (col. 55, lines 56-65);

A digital decompressor (where decoding an MPEG data stream is to decompress it, col. 12, lines 44-49 and col. 54, lines 2-8), operably connected to the processor (as all components in a DVD player are operably connected to the processor, col. 12, lines 47-49), for decompressing the selected video signal corresponding to the selected video option; and

A display screen [television or monitor] (col. 12, lines 44-47), operably connected to the digital decompressor, for displaying the selected video signal corresponding to the selected video option (col. 55, lines 56-65, col. 57, lines 7-9, 24-30 and col. 57 line 43 – col. 58 line 4).

Azadegan fails to disclose the visual transition to the selected video is seamless.

Egawa teaches seamlessly (col. 3, lines 51-53) switching between video streams (col. 3, lines 47-57 and col. 4, lines 6-19) for the advantage of ensuring no video data is lost upon reproduction when switching between video signals (col. 1, lines 9-15).

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Azadegan to include visual transition to the selected video is seamless, as taught by Egawa, for the advantage of ensuring no video data is lost upon reproduction when switching between video signals.

Regarding claims 2 and 17, Azadegan and Egawa disclose the method and system of claims 1 and 16, and additionally disclose the digital versatile disk is located at a central location (Azadegan, using optical discs for video on demand, col. 54, lines 40-44).

Regarding claims 3 and 18, Azadegan and Egawa disclose the method and system of claims 1 and 16, and additionally disclose the digital versatile disk is located at the receiver station (Azadegan, using optical discs in a user or consumers digital video disc player, col. 54, lines 40-44).

Regarding claim 7, Azadegan and Egawa disclose the method of claim 1, and additionally disclose indicating to a user different video options (Azadegan,

col. 57 line 62 – col. 58 line 4), and receiving from the user a command indicating the selected video option (Azadegan, col. 58, lines 36-44).

Regarding claims 6 and 21, Azadegan and Egawa disclose the system of claim 16, and additionally disclose the receiver station comprises a digital cable box and a television operable connected to the digital cable box [set top decoder] (Azadegan, col. 12, lines 39-41).

Regarding claims 11, 22, and 23, Azadegan and Egawa disclose the method and system of claims 1 and 16, and additionally disclose obtaining a plurality of graphic segments (Azadegan, col. 64 line 66 – col. 65 line 9, col. 66, lines 63-65, and col. 67, lines 25-32), selecting at least one graphic segment (Azadegan, col. 57, lines 6-12, col. 57 line 62 – col. 58 line 4, and col. 58, lines 37-44), and displaying the selected graphic segments (Azadegan, col. 57, lines 10-12) on a display screen (Azadegan, col. 12, lines 44-49).

Regarding claim 12, Azadegan and Egawa disclose the method of claim 1, and additionally disclose the graphics segments are stored in the digital versatile disk (Azadegan, col. 12, lines 35-40).

Regarding claims 13 and 27, Azadegan and Egawa disclose the method and system of claims 1 and 16, and further disclose the step of receiving a

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plurality (Azadegan, col. 17, lines 48-62) of audio signals (Azadegan, col. 12, lines 44-47).

Regarding claim 14 and 28, Azadegan and Egawa disclose the method and system of claims 1 and 16, and further disclose each audio signal is associated with one of the video signals (Azadegan, col. 12, lines 22-35 and col. 17, lines 58-61)

Regarding claims 15 and 29, Azadegan and Egawa disclose the method and system of claims 13 and 27, and additionally disclose the audio signals (Azadegan, col. 17, lines 48-62) are stored in the digital versatile disk (Azadegan, col. 12, lines 35-40).

3. Claims 4-5 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Azadegan and Egawa as applied to claims 1 and 16 above, and further in view of Ngai (5,784,055, of record).

Regarding claims 4, 5, 19, and 20, Azadegan and Egawa disclose the method and system of claims 1 and 16, and additionally disclose the compressed video signals are transmitted to receiver stations (Azadegan, fig. 1B, item 86, col. 12, lines 35-40), but fail to disclose the receiver station is a digital television or personal computer with a television card.

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Ngai teaches a digital receiver station (col. 1, lines 5-9) which can be a digital television (col. 1, line 20) or a personal computer with a television card (col. 1, line 20) (col. 1, lines 12-23). The advantages of each receiver is the ability to receive digitally compressed video signals and their wide commercial availability among the general public.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method and system disclosed by Azadegan and Egawa to include as the receiver station a digital television, personal computer with a television card, or a digital cable box and a television operably connected to the digital cable box, as taught by Ngai, for the advantage of using receivers which have the ability to receive digitally compressed video signals and have wide commercial availability among the general public.

4. Claims 8, 9, 24, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Azadegan and Egawa as applied to claims 1 and 16 above, and further in view of Tillman et al. (6,496,980, of record) [Tillman].

Regarding claims 8, 9, 24, and 25, Azadegan and Egawa disclose the method and system of claims 1 and 16, and additionally disclose multiple camera angles (Azadegan, col 57, lines 24-30), but fail to disclose a video signal is a close up video.

A close up video is an obvious variation of this concept to one of ordinary skill in the art, as this particular camera angle is one of the basic types of shots which has been a part of the video recording industry since it's inception.

It would have been obvious to a person of ordinary skill in the art to modify the method disclosed by Azadegan and Egawa to include as a video signal a close up video, for the advantage of providing an additional viewing option to a user, increasing the interactivity of the method.

Azadegan and Egawa fail to disclose a video signal is a [slow motion] video replay.

Tillman teaches a video distribution network (col. 3, lines 22-27, 38-42) wherein one of the video signals is a [slow motion] video replay signal (col. 3, lines 32-35), for the advantage of providing an additional viewing option to a user, increasing the interactivity of the method.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method and system disclosed by Azadegan and Egawa to include a video signal that is a [slow motion] video replay, as taught by Tillman, for the advantage of providing an additional viewing option to a user, increasing the interactivity of the method.

5. Claims 10 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Azadegan and Egawa as applied to claim 1 and 16 above, and further in view of Wachob (5,231,494, of record).

Regarding claim 10 and 26, Azadegan and Egawa disclose the method and system of claims 1 and 16, but fail to disclose the steps of creating a viewer profile [which is stored in a storage device], wherein the selecting step comprises the substep of selecting the video option based on the viewer profile [performed by the processor].

Wachob teaches a receiver station which receives compressed video signals (Abstract, lines 1-8, [storage device] fig. 1, item 22, col. 3, lines 17-32 and col. 3 line 63 – col. 4 line 3), wherein a viewer profile is created (Abstract, lines 8-12, fig. 2, item 72, col. 5, lines 61-63) and the selection of a video signal is determined based upon said viewer profile (performed by processor, fig. 2, item 64, col. 5 line 67 – col. 6 line 6), for the advantage of presenting content that is customized to a viewer without necessitating interaction with the viewer.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method and system disclosed by Azadegan and Egawa to include the steps of creating a viewer profile [which is stored in a storage device], wherein the selecting step comprises the substep of selecting the video option based on the viewer profile [performed by the processor], as taught by Wachob, for the advantage of presenting content that is customized to a viewer without necessitating interaction with the viewer.

Response to Arguments

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6. Applicant's arguments filed June, 8, 2004 have been fully considered but they are not persuasive. Applicant attempt's to claim priority to May 18, 1995 in order to overcome the art rejections of the first action. Applicant alleges every claimed feature of independent claims 1 and 16 are supported by the disclosure of US Patent Number 5,724,091 ['091], most notably that the claimed limitation of storing compressed video signals on a digital versatile disk is supported in the '091 patent in col. 8, lines 18-33, which broadly states storing video signals on a local storage means, such as video tape, video disk, memory (RAM, ROM, EEPROM, etc.) or in a computer. The examiner disagrees with this assertion, because the instant application is a continuation in part on the parent application, and thus contains newly added subject matter, most notably, that found pages 54-58 of the instant application, which describes a newly added DVD embodiment, and it is abundantly clear that DVD is the three letter acronym for digital versatile disk. Thus it is clear that storing the video signals on a digital versatile disk is supported by the instant application, but not supported by the '091 patent, and thus the independent claims do not receive benefit of the '091 date of May 15, 1995.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

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Certificate of Mailing

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Typed or printed name of person signing this certificate:

Signature: _____

Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dominic D Saltarelli whose telephone number is (703) 305-8660. The examiner can normally be reached on M-F 10-7.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (703) 305-4038. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dominic Saltarelli
Patent Examiner
Art Unit 2611

DS



VIVEK SRIVASTAVA
PRIMARY EXAMINER